

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 25

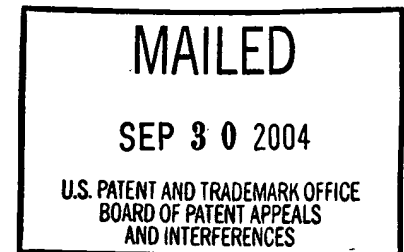
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID JAMES HETHERINGTON
and DAVID BRUCE KUMHYR

Appeal No. 2003-1988
Application No. 09/211,803

ON BRIEF



Before OWENS, RUGGIERO, and DIXON, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal is from the final rejection of claims 1-25, which are all of the claims in the application.

THE INVENTION

The appellants claim a text string data structure and a method and system for encapsulating information in a text string data structure. Claim 1, which claims the text string data structure, is illustrative:

1. A text string data structure within a computer usable medium, comprising:

a multi-field data object encapsulating a plurality of discrete fields;

a first field within the multi-field data object containing a first character string representing a word; and

a second field within the multi-field data object containing a second character string representing the word.

THE REFERENCES

Renegar	6,024,571	Feb. 15, 2000 (filed Apr. 24, 1997)
Li et al. (Li)	6,205,418	Mar. 20, 2001 (filed Jun. 25, 1997)

THE REJECTIONS

The claims stand rejected as follows: claims 1-3, 12, 13, 19 and 20 under 35 U.S.C. § 102(e) as anticipated by Li, and claims 4-11, 14-18 and 21-25 under 35 U.S.C. § 103 as obvious over Li in view of Renegar.

OPINION

We affirm the rejection of claims 1-9, 11-15 and 17-25, and reverse the rejection of claims 10 and 16.

The appellants indicate that the claims other than claims 10 and 16 stand or fall together (brief, page 4). Although an additional reference is applied to claims 4-9, 11, 14, 15, 17, 18 and 21-25, and the rejection of those claims is under 35 U.S.C. § 103 rather than 35 U.S.C. § 102(e), the appellants do not separately argue the patentability of those claims. Instead, the appellants merely argue that the additional reference does not remedy the deficiency in Li as to the subject matter of the claims rejected under 35 U.S.C. § 102(e) (brief, pages 6-7). We

therefore limit our discussion of the affirmed rejections to one claim, i.e., claim 1. See *In re Ochiai*, 71 F.3d 1565, 1566 n.2, 37 USPQ2d 1127, 1129 n.2 (Fed. Cir. 1995); 37 CFR § 1.192(c)(7)(1997).

Claim 1

Li discloses a translation database having a language code field, a translation code field, and a translation string field (col. 8, lines 42-50). This database corresponds to the appellants' multi-field data object encapsulating a plurality of discrete fields. Each translation code is a character string that represents a word independently of language, e.g., code 137 represents "cancel" in English and "annuler" in Parisian French (col. 8, line 55 - col. 9, line 3). Each translation string is a character string that sets forth the word in a particular language (col. 8, lines 59-64).

The appellants argue that a string is not the same as a database (brief, pages 5-6). The appellants, however, are not claiming a string but, rather, are claiming a text string data structure. The term "text string data structure" is to be given its broadest reasonable interpretation consistent with the specification, as the claim language would have been read by one of ordinary skill in the art in view of the specification and prior art. See *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); *In re Sneed*, 710 F.2d 1544, 1548, 218 USPQ

385, 388 (Fed. Cir. 1983). The appellants' specification does not define "text string data structure". Hence, the broadest reasonable interpretation of that term consistent with the specification as that it means any text string-containing data structure. Li's translation database is a text string-containing data structure.

We therefore find that the text string data structure claimed in the appellants' claim 1 is anticipated by Li. Accordingly, we affirm the rejection of that claim and claims 2-9, 11-15 and 17-25 that stand or fall therewith.

Claims 10 and 16

Claims 10 and 16 require a third character string which contains the first character string prefixed by at least one character with a low sort value.

The examiner argues that "[a]s to the 'prefixing of a third character string by at least one character with a low sort value' Li et al. has shown in (Col. 8 Table 2) a third character string as a translation string -&-Aide 'which is prefixed by one character "&" since the character '&' is put before the translation string Aide" (answer, page 6). Li's symbol "&" indicates which character in a word or phrase is to be presented as underlined to the user for use as a hot key or accelerator which, when selected, executes a text command (col. 7, lines 4-14; col. 9, lines 4-8). The examiner has not established that

Li's "&" symbol has any sort value, let alone a low one.
Consequently, we reverse the rejection of claims 10 and 16.¹

DECISION

The rejection of claims 1-3, 12, 13, 19 and 20 under 35 U.S.C. § 102(e) over Li is affirmed. The rejection of claims 4-11, 14-18 and 21-25 under 35 U.S.C. § 103 over Li in view of Renegar is affirmed as to claims 4-9, 11, 14, 15, 17, 18 and 21-25, and reversed as to claims 10 and 16.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-PART

Terry J. Owens
Terry J. Owens
Administrative Patent Judge

Joseph F. Ruggiero
Joseph F. Ruggiero
Administrative Patent Judge

Joseph L. Dixon
Joseph L. Dixon
Administrative Patent Judge

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¹ The examiner does not rely upon Renegar for any disclosure that remedies the deficiency in Li as to the requirement in claims 10 and 16 of a prefix character with a low sort value.

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